

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRAD AMOS,)	
)	Case No. 3:21-cv-00923
Plaintiff,)	
)	District Judge Richardson
v.)	
)	Magistrate Judge Holmes
THE LAMPO GROUP, LLC,)	
)	Jury Demand
Defendant.)	

**MOTION TO SEAL DEFENDANT’S RESPONSE TO
PLAINTIFF’S MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Defendant, The Lampo Group, LLC (“Lampo”), by and through the undersigned counsel and pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, Local Rule 5.03 and the Agreed Confidentiality Order entered in this case (Doc. #42), moves the Court to seal its Response to Plaintiff’s Motion for Leave to File Documents Under Seal (Doc. #130). As set forth in more detail in the Memorandum of Law (Doc. #129) filed contemporaneously with this Motion, Lampo’s Motion is based on the following:

1. During depositions of Lampo witnesses, Plaintiff sought testimony unrelated to Plaintiff’s employment or claims in this lawsuit. Specifically, Plaintiff asked questions about other employees who are not parties to this lawsuit (referred to as “Non-Parties”), including their reasons for termination or resignation from employment and other confidential personnel matters.
2. Plaintiff also focused his deposition questions on opinions of Non-Parties related to a variety of social topics unrelated to Plaintiff’s employment or claims in this lawsuit.
3. Plaintiff also asked certain witnesses their opinions about one pending and one past lawsuit against the company.

4. Relying on the Agreed Confidentiality Order, Lampo's witnesses provided testimony related to the Non-Parties or their opinions on unrelated matters and Lampo marked certain portions of the deposition testimony as "Confidential" so the testimony would not be disclosed, exploited or otherwise used to hurt the Non-Parties (including the witnesses themselves) during the course of discovery.

5. Lampo invoked FRCP 30(d) when the examination of one deponent went too far afield.

6. Lampo continues its efforts to protect the innocent Non-Parties from disclosure of information that is of the most personal and private type. Lampo cannot in good faith and conscience unilaterally disclose this type of information about its employees who have a right to keep this information private.

7. Defendant has made diligent efforts to keep this information about the Non-Parties private and confidential.

8. Lampo's Response to Plaintiff's Motion for Leave to File Documents Under Seal (Doc. #130) necessarily includes information about the Non-Parties in order to explain in detail the reasons that information filed by Plaintiff in opposition to the Motion for Summary Judgment should be sealed. This extensive analysis is required by the Sixth Circuit, and in order to adequately meet this requirement, Lampo must disclose to the Court information that would identify the Non-Parties.

9. Should the Court determine that Lampo has not met its burden to seal Lampo's Response to Plaintiff's Motion for Leave to File Documents Under Seal (Doc. #130) in its entirety, Lampo requests in the alternative that the Court grant Lampo leave to redact the Response in order to protect the privacy interests detailed in the Response.

10. If the Court decides to unseal Lampo's Response altogether, Lampo requests the Court to stay its order for 15 days so that Lampo may notify impacted Non-Parties as appropriate.

Respectfully submitted,

/s/Leslie Goff Sanders

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CERTIFICATE OF SERVICE

I certify that, on September 15, 2023, I filed the foregoing via the Court's electronic filing system, which will automatically notify and send a copy of the filing to:

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